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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,577	08/29/2001	Jonne Soininen	P 282821 2990421US/A/HER	5013
7590	11/25/2005			EXAMINER WANG, LIANG-CHE
PILLSBURY WINTHROP LLP 1600 TYSONS BOULEVARD MCLEAN, VA 22102			ART UNIT 2155	PAPER NUMBER

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/940,577	SOININEN ET AL.
	Examiner	Art Unit
	Liang-che Alex Wang	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 October 2005.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4, 10, 21, 22 and 35 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 10, 21, 22 and 35 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-4, 10, 21-22, 35 are presented for examination.
2. Claims 5-9, 11-20, 23-34 are cancelled.

### ***Response to Arguments***

3. Applicant's arguments filed 1/13/2005, have been fully considered but they are not persuasive.
4. In that remarks, applicant's argues in substance:
  - a. That: "contrary to what is stated in the Office Action, items 214 and 216 in Figure 2B do not refer to first and second parts of the access system (LAN). Instead, these two items refer to different groups of the mobile nodes (see col. 8, lines 44-47.)

This is found not persuasive because two different groups of the mobile nodes are considered to be 2 distinct parts of a network system. Col 8, lines 44-47 teaches the nodes on a network segment (corresponds to a LAN) are divided into at least two groups (corresponds to first and second parts.)
  - b. That: "contrary to what is stated in the Office Action, items 204 and 206 are not access nodes of the access system, but routers provided with a home agent function.

This is not found persuasive because items 204 and 206 are active routers (Col 8 lines 60-67), and active routers are considered as access nodes associated with a numbers of Media Access Control addresses.)

c. That: There is no teaching or suggestion in Leung of an access node that can establish a connection to at least two mobile entities one of which is more preferred for the specific access node in respect to routing than the other one(s). And there is no access node for connection between the access node and a mobility entity in Leung.

This is not found persuasive because mobile nodes exist to communicate with one another and items 204 and 206 are access nodes for routing information among mobile nodes (Col 2 lines 20-44).

d. That: Leung fails to teach or suggest any packet protocol contexts.

This is not found persuasive because Leung teaches Mobile IP protocol (Col 1 lines 2-30.)

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art

date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Leung, US Patent Number 6,195,705.
7. Referring to claim 1, Leung has taught a method of providing macro mobility management for a mobile node in an access system (Col 4 lines 17-28), comprising a plurality of mobile nodes (figure 2b items 6 and 27), a first and a second access node (items 206 and 204) serving said mobile nodes within the first and second parts of the access system (items 214 and 216), respectively, at least one first gateway node (item R1) for interfacing said first part of the access system with external networks (R1 connects 206 to Internet 4), and a first mobility entity (item 202) which is associated with said at least one first gateway node and arranged to provide macro mobility management routing services to the mobile nodes while registered to the first part of the access system, said method comprising:
  - a. establishing a session between one of said plurality of mobile nodes and a second party via said first access node and said first mobility entity (see figure 2B, a session is established between item 202 and item 10 via item 206, and Col 13 line 64- Col 4 line 16);
  - b. checking whether there is at least one second mobility entity (item 208) to which the first access node can establish a connection as an alternative (standby Mobile) for the first mobility entity and which is more preferred for the first access node in respect of routing than said first mobility entity (item 202)(Col 4 lines 27-39); and

- c. reacting said checking by
  - i. maintaining a connection from said first access node to said first mobility entity if there is no second mobility entity which is more preferred than said first one (Col 4 lines 27-39, since the second mobility is a standby agent, the connection would be maintained if the original is operating normally);
  - ii. opening a connection from said first access node to said second mobility entity if said more preferred second mobility entity is available, and initiating macro mobility management registration (Col 4 lines 34-49).
- 8. Referring to claim 2, Leung has further taught rerouting the session via said second access node in response to a movement of said one of mobile nodes to said second part pf the access system (Col 4 lines 34-39).
- 9. Referring to claim 3, Leung has further taught closing the connection from said frist access node to said first mobility entity when said more preferred second mobility entity is available (Col 4 lines 34-39).
- 10. Referring to claim 4, Leung has further taught wherein said macro mobility management is Internet Protocol-type, or IP-type mobility management (Col 4 line 9, Col 6 line 9 and Col 7 lines 7-9), and wherein an agent advertisement message is sent from said second mobility entity to said one mobile node over said new connection, said agent advertisement massage enabling said one mobile node to detect a change of attachment point and to initiate mobile IP registration (Col 4 lines 34-54).

11. Referring to claims 10, 21-22, 35, claims 10, 21-22, 35 encompass the same scope of the invention as that of the claims 1-4. Therefore, claims 10, 21-22, 35 are rejected for the same reason as the claims 1-4.

*Conclusion*

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (703)308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang   
November 21, 2005



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER